1890-044 Chancery Causes: William R. M. Ward & wife &c vs. A. L. Loyd &c
Lee Co.

Larmer

CA: Estate Dispute
T: Property

To the Honorable John A. Kelly Judge of the Circuit Court of Lee county Va,

The bill of complaint of La Fayette[1] Loyd, E. S.[2] Loyd, Wm J.[3] Loyd, Emily F.[4] Loyd James F.[5] Loyd, the last two of whom are infants and sue by W.R.M. R. Word their next friend, Peter Larmer, and Letticia[6] Larmer his wife, W R. M[6] Word and Minerva Word his wife, respectfully represent, that they are the heirs at law of the late A. C. Loyd, who departed this life some two years ago intestate, leaving at the time of his death, A. L.[1] Loyd, Lafayette[2] Loyd, E. S.[3] Loyd Wm. J.[4] Loyd Emily F.[5] Loyd, James F.[6] Loyd, Mary Larmer[7], wife of D. C Larmer Mattie J.[8] Larmer, wife of Samuel Larmer, and your female complainants[8] his children and heirs at law, ten in number. He at the time of his death, left a considerable real & personal estate, which descended to his said heirs in equal proportion, except some had received advancements more than the others. The personal estate went into the hands of one Henry J. Ferguson who was appointed and qualified as the admr. of the said A. C. Loyd.

The real estate, Consists of one farm the "Home tract" "In which the widow has already had her dower assigned" situated on the main Jonesville and Estillville road about 7 miles East of the latter place, in Said Lee county, and contains about 300 acres. The land adjoins the lands of Francis Slagle, Archabald McElroy D. S. Litton and others. The said A. C. Loyd was not indebted on his own account nor legally involved for others, so that said Land can & of right should be divided among each of said heirs equally. Except your complainant Wm. J. Loyd alleges that, several of the said A. C. Loyds children had been by the said A. C. Loyd in his lifetime advanced to the sum of about $150. over and above himself and perhaps others, which should be in that case, equalized, and each one brought into account for what she or he may have heretofore received. This considered, the object of this bill is to have said equallization made, & the personal estate distributed in accordance with the same, and the real estate divided according to the rights of the parties in interest. The object the bill by the plffs is to have partition made of the said lands, to have Coms. appointed for that purpose & for a full transfer of the same.

The premises Considered, the prayer of your orators is that A. L. Loyd, D. V. Larimer Mary Larimer his wife, Samuel Larimer, and Mattie J. Larimer his wife be made parties defendants to this bill, and answer its allegations upon oath, upon a hearing a decree be rendered making partition of said Lands among those entitled — and Complainant Wm J. Loyd further prays that the several parties be brought into hotch pot and their several advancements taken into account, and fully adjusted — And they each pray for all other further & general relief — May supa issue &c.

Hagan & Pridemore

Dr. Clk	$ 5.0	4 July 1881
Clk	.36	Paid
A	15.00	
S	2.00	
Comr.	4.50	
	$ 26.90	
Estimated C.	.76	Paid
	$ 27.66	

C 6.20

H+P

W. R. McWardlow wife et als
Flora Loyd

vs } Bill Chy

A. L. Loyd et als

1880 Mr. Bill Filed, Spa Exced & Decree Nisi.
" Apr. Decree Nisi Confd, & set for hearing by Pltff.
" Aug. Decree & Contd.
1881 Mar. Decree & Contd.
" Aug. Decree & Contd.
1882. Mr. Aug & Nov. Contd
1883. Mr. Aug. & Nov. Contd
1884 Contd 1885 Contd
1886 " 1887 "
1888 " 1889 "
1890 Mr. Contd Sept. Dismissed by Pltffs.

[illegible]
No 54 C. Achd. 15

To the Hon. John A. Kelly, Judge of the Circuit Court of Lee County.

The answer of A. L. Loyd to a bill in Chancery filed in this Honorable court against this respondent and others by W. R. M. Ward & wife & others. Your respondent answering says that this bill shows Peter H. Lanier & Letitia F. Lanier his wife, and Samuel G. Lanier and Mattie J. Lanier his wife, parties plaintiff to this bill but this respondent alleges that they never authorized W. R. M. Ward & wife who are the plaintiffs in fact in this cause to make them such parties nor did they authorise the attorneys bringing the same to do so, but to the contrary they are all opposed to the division of the land sought to be divided by said bill. Your respondent says that the statements of said bill charging that one of the Children and heirs of his father A. C. Loyd, received in his lifetime greater advancement than another are wholly untrue - except the two infants named in Complainants bill who have received nothing. Your respondent further states that the allegation of said bill of Complaint stating that the farm sought to be divided contains 300 acres is also metres, that the same does not contain more than 227 acres.

Respondent now states that of this 227 acres the widow has been assigned 55 acres of tillable land with access to timber and further states that with this incumbrance or obstakle, ~~and~~ on account of the general situation of this small farm the same can not be ~~in~~ partitioned among the ten heirs without great loss and injury to the whole of them — and he further states and alleges that in view of the facts just named that a sale of the farm and a division of the proceeds of the sale among those entitled will promote the interests of all the heirs – and especially the two infants for whom W.R.M. Ward sues as their next friend. Respondent will state here that these infants are a little brother and sister of your respondent and that he feels as much interest in their wellfare as what Mr. Ward their brother-in-Law can feel.

Respondent asks a sale of the said farm, and challenges an account of the advancements to one more than another except as herein stated.

Your respondent states that the personal estate of A. C. Loyd lacked $234.00 of paying the debts against ~~which~~ which your respondent advanced and payed for the estate, and respondent asks that if a division of said land is made that the Commissioners be instructed to consider this matter in laying off his part.

Respondent having now answered as fully as is deemed necessary he prays to be hence dismissed with his costs.

Wm A Orr p.q.
A. L. Loyd

Virginia Lee county, to wit.

This day A. L. Loyd personally appeared before me and made oath that the facts stated in the foregoing answer, so far as stated from his own knowledge, are true, and so far as stated upon information derived from others he believes them to be true. Given under my hand August 24th 1880.

James W Orr. Clerk.

Com

A. L. Layd

ads } Answer

W. R. M. Ward next fr et als

Filed Aug 26th 1880.
Jas W Orr, Clk.

No 54 C

Wm R. M. Ward & wife — Plffs
against
A. L. Loyd et al, Defts } In Chy.

This cause came on again this day to be heard upon the papers formerly read and the report of Henry J. Morgan filed March 19th 1881, and was argued by Counsel, on consideration whereof and for reasons appearing to the court said report being unexcepted to the same is confirmed. And it appearing further that there is no personal assets out of which to equalize the several heirs of A. C. Loyd the court is of opinion and so decrees that the parties be equalized out of the realty. The court doth therefore appoint Lester Cormical, Wm J. Stanclifer, and Francis Slagle special commissioners whose duty it shall be to go upon the land in the bill mentioned and lay off and assign to Wm J. Loyd $100. in value of said real estate as and for the amount due him ~~for the money due him~~ for advancements and to Emily H. Loyd $125. in value in said land and to James H. Loyd $125. in value in said land, which last two are likewise for advancements #/ and the plffs by their attorney admitting that Wm J. Loyd, and the plff Ward & wife have sold a part of their interest to defendant A. L. Loyd who now has the equitable title thereto, and not being advised as to whether further partition is

#/ And that they will lay off and assign to said infants Emily H Loyd and James H Loyd one eighth, each of the residue of said land, and lay the same off adjoining each other, as well adjoining the first $125 worth herein before directed to be assigned.

desired or not, said Commissioners are directed to report whether or not further partition be desired by any other party or not and who are now the owners of said land & the cause is continued."

Wm R. M Woolwright

H z Decree.

A. L. Loyd et al

March T. 1881.

Entered: Page 174
John C. Orr D. C.

Enter two

Chd [illegible]

Jno A K

W R M Ward & wife et als }
vs } In Chy
A L Loyd et als }

This cause came on this day to be heard upon the bill taken for confessed against ~~all~~ the defendants ~~except A L Loyd who has~~ D T Larmer and Mary Larmer his wife, Samuel Larmer and Mattie L Larmer his wife the answer of A L Loyd with general replication thereto and was argued by Counsel

On Consideration whereof it is adjudged ordered and decreed that Com. H. J. Morgan proceed after notifying the parties to ascertain, whether any, and what advancements have been made to the parties to this suit, And he will further ascertain whether the land of which A L. Loyd died the owner situated in said County Can be partitioned among his several heirs without impairing the value thereof- And he will also report the value of said lands and also report whether decedent has any other estate for distribution and if so of what it Consists- And report to this Court and the Cause is Continued

A R McWord & wife et als

Vs. } Decree for acct

A L Loyd et als

Entered page 136

F. R. Stickley D.C.

Enter

Jn° A.K.

Augt 30/80

W R M. Ward & wife & al Pltffs.
vs. } In Chy
A L Loyd & others Defts

The deposition of Rebecca C. Loyd widow of A C. Loyd dead, taken the 19th day of March 1881 in the above Styled cause, and she being duly sworn says My late husband in his lifetime as his children married and left him and commenced the business of life for themselves, generally gave to each one a Horse Saddle, bridle Milk cow a bed and bed stid & bed clothes and perhaps a Sow or hog of some description, but as to the hog I am not certain that all got one, but some of them did, I do not Know what this property was worth but my husband so far as he had gone with the matter tried to make them all equal. And he always said to me that he estimated what he had advanced to them respectively as being worth $125.00

The two youngest children now at home with me. Emily F. and James F. Loyd have recived nothing in the way of advancement. As to Jack Loyd he got a cow, and bed and bidstid and clothing & perhaps a hog. but as to a horse Saddle and bridle the facts in relation thereto are these. When Jack came home at the close of the war he brought with him a horse branded with a U S as well as I now remember, or he was in Some way branded, by direction of the Federal Authorities at the gap all Confederate Soldiers were directed to repair there and to bring with them all branded horses. Before Jack Loyd went there his father A.C. Loyd took said branded horse and swaped it to one of the Larimers for a horse that was not branded and Jack kept this one, and said Larimer as it was said took the said branded horse to the gap and surrendered him to the authorities there and this is the only horse said Jack Loyd got from his father and he in the same way got an old bridle and saddle which he brought out of the army with him. The value I have before spoken off was the price fixed by A.C. Loyd on the horse bridle & saddle and did not include the cow and bed &c. And in addition to this each of the girls got $10.00 worth of knives & forks dishes plates & cooking utensils which the boys did not get.

And further this witness saith not.

Rebecca C her X mark Loyd

Virginia Lee County towit

The foregoing deposition of Rebecca C Loyd was taken before me sworn to and subscribed by her the 19th March 1881

H J Morgan Comr.

W R M Ward & al

vs. } Defts.

A L. Loyd & al

(B)

Commissioners Office Jonesville Va March 19th 1881

W. R. M. Ward & wife & others Plffs }
vs. } In Chancery
Alexander L. Loyd & others Defts }

To the Hon. John A. Kelly Judge of the Circuit Court of Lee County Virginia

With the view to make the enquiries required by a decree entered in this cause on the 30th day of Augt 1880 I prepared the notice herewith filed marked (A) but the same was not served, owing to the fact, that A. L. Loyd one of the defendants informed me that he had become the purchaser of all the interests in the land of A. C. Loyd decd except that of the two infant heirs and hence I did not think it necessary to enquire as to the quantity of the land, its value, or whether same could be partitioned among the parties without injuring the value thereof. In Order to enable me to report on the Subject of advancements, I took the deposition of Mrs Rebecca C. Loyd widow of A. C. Loyd decd on the 19th day of March 1881 and the same is here filed marked (B)

From Mrs Loyds evidence it appears that each of the heirs of said Alfred C Loyd have received some advancement except the two infants now at home with the widow who have received nothing in the way of advancement.

It appears from Mrs Loyds evidence that all her daughters save the infant at home have received an equal sum and that all her sons save the infant at home and William J. Loyd. have received an equal sum. and that each of the daughters received about $10.00 more than her sons. And as to the said Wm J Loyd she say that he got a milk cow, a bed, bed stead, and clothing for the same in the same manner as all the others and she then makes a statement of the facts in reference to the Horse saddle and bridle which the said Wm J; had received, and which was claimed by some of the heirs to have been an advancement to him of those three articles

I am of opinion however that the horse bridle and saddle referred to was his own property, or if not absolutely his own that he had a better right thereto, than any other person, and that it ought not, and cannot be regarded as an advancement by his father to him. The said Wm J Loyd when he came home from the Confederate Service brought with him a branded horse and an old Army saddle and bridle, Confederate soldiers were required by the federal authorities at Cumberland Gap to surrender at that point all government and branded property & to avoid surrendering said branded horse, A.C. Loyd exchanged or swaped him to one of the Lanners for a horse not branded & which said Lanner was going to take to the gap to surrender up to the authorities there, and instead of delivering the horse not branded, the said Lanner took and surrendered said branded horse and Wm J. Loyd kept the horse thus obtained from Lanner, And on this state of facts it has been contended that W J Loyd had received a horse bridle and saddle the same as the other parties and this perhaps might be true strictly speaking if it were shown that at the date of this transaction the said Wm J. Loyd was under 21 years of age. for in such case the law would doubtless regard both horse and buggy as belonging to A.C. Loyd, or rather what was claimed by the minor, belonged to the father of such minor.

But his age is not shown, and were it shown to be under 21 at the time, still naked justice would seem to say that as he had obtained him in the service of the country he ought to be regarded as the best owner of the horse

Mrs Loyd does not know the value of the property advanced by A.C. Loyd to his children, but she says that he always regarded the Horse bridle and saddle furnished each as being worth $125.00 and in addition to this each got a cow, bed &c. and the girls each the further sum of $10.00 in plates dishes &c.

On this basis it would seem that the daughters except the infant had each received not less than about $160.00 and the sons except W.J. and the infant not less than $150.00 each.

I am inclined to think this estimate pretty high, for a good horse saddle and bridle can now be bought for $100.00 and moreover these advancements have all been made in perishable property which is constantly changing in value, and is wearing out and liable to die, and the advancements now to be made, if made at all, will have to be made in real estate which is durable permanent and lasting. In addition to this, Sons can, and do generally manage so is to worm and get more out of the old folks than the daughters can do or try to do. So upon the whole

I am inclined to think that a fair Settlement of this matter of advancement will be reached by supposing and adopting the idea that each of the heirs except the two infants and William J. Loyd have each received the sum of $125.00, that said Wm J. has received $25.00 and the two infants nothing and this is the settlement which I adopt in this case. It therefore follows in order to equalize all that said William J. Loyd must receive the further sum of $100.00 Emily F. Loyd must receive $125.00 and James F. Loyd the like sum of $125.00

All which is respectfully submitted

Henry J. Morgan Comr.

W. R. M. Ward & al
vs } Commrs Report
A. L. Loyd & al

Filed June 30th 1881
Jas M Orr Clerk

Commrs fee $4.50

Commissioners Office Jonesville Va February 3rd 1881.

W R M Ward & wife & al Pltffs }
vs. } In Chy
A L. Loyd & others Defts }

Notice is hereby given the parties to this Suit that at my office in Jonesville on the 14th day of Feb 1881. I will proceed to enquire and report as to the partition sought, and the advancements made to the parties by A. L. Loyd in his lifetime, as required by a decree entered in the cause, on the 30th of August 1880 On the day and at the place aforesaid the parties will appear with such proof as they may have to offer

Henry J. Morgan Comr.

Mr A. L. Loyd.

Mr C. T. Duncan as guardian ad litem for the infants requires me to take an account of advancements and hence this notice

H J Morgan

For
A. L. Loyd

Commissioners Office Jonesville Va. February 3rd. 1881

W. R. M. Ward & wife & others Pl'ffs
vs. } In Chy
A. L. Loyd & others Defts

Notice is hereby given the parties to this suit that at my office in Jonesville on the 14th day of February 1881. I will proceed to enquire and report as to the partition sought, and as to the advancements made to the parties by A. C. Loyd in his lifetime, as required by a decree entered in this cause on the 30th of August 1880 On the day and at the place aforesaid the parties will appear with such proof as they may have to offer

Henry J. Morgan Comr.

Commissioners Office Jonesville Va. February 3rd. 1881

W R M Ward & wife & others Pltffs
vs. } In Chy
A L. Loyd & others Defts

Notice is hereby given the parties to this Suit that at my Office in Jonesville on the 14th day of Feb. 1881 I will proceed to enquire and report as to the partition sought, and the advancements made to the parties by A C. Loyd in his lifetime as required by a decree entered in this cause on the 30th of August 1880, on the day and at the place aforesaid the parties will appear with such proof as they may have to offer

Henry J Morgan Comr.

Commiſsioners Office Jonesville Va. February 3rd 1881

W. H. M. Ward wife & al Pl'ffs }
vs. } In Chancery
A. L. Loyd & others Dfts }

Notice is hereby given the parties to this Suit that at my office in Jonesville on the 14th day of Feb. 1881, I will proceed to enquire and report as to the partition sought, and the advancements made to the parties by A. C. Loyd in his lifetime, as required by a decree entered in this cause on the 30th day of August 1880. On the day and at the place aforesaid the parties will appear with such proof as they may have to offer

Henry J. Morgan Comr.

W. R. M. Ward & others
vs. } Notice Feb. 14/81.
A L Loyd & al

(A)

The Commonwealth of Virginia

To the Sheriff of Lee County Greeting

You will Summons Mrs Loyd widow of A.C. Loyd dead. to Appear before me on the 14th day of Feb. 1881 to testify as to the advancements made by A.C. Loyd in his lifetime to his several children Given under my hand Feb. 3rd 1881.

Henry J. Morgan Comr.

W R M Ward et al

vs } Sfa

A L Loyd et al

The Commonwealth of Virginia:

To the Sheriff of Lee Couny—Greeting.

We Command you to Summon A. L. Loyd, D. V. Larmer, & Mary Larmer his wife, Samuel Larmer & Mattie J Larmer his wife

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court-House, on the first Monday in March next, to answer a bill in chancery exhibited in our said Court against them by Lafayette Loyd, E. S. Loyd, Wm J Loyd, Emily F Loyd, James F Loyd, the last two of whom are infants and sue by W. R. M. Ward their next friend, Peter Larmer & Lettitia Larmer his wife, W. R. M. Ward and Minerva Ward his wife

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this 16th day of February 1880, in the 104th year of the Commonwealth.

James W Orr Clerk.

H+P

Lafayette Loyd et als
vs } Sfa in Chy 3 copies
A. L. Loyd et als

March Rules 1880

Executed by delivering 4 copies of the within. Febry 24th 1880

F. Nuter D.S.
for L S Ely S.L.C.

I accept the legal service of this Writ for Mary Lanum wife of D V Lanum.

Febry 24th 1880

C. T. Duncan
Atty

8/283.76
35.47